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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,779	06/20/2001	Ronald P. Doyle	RSW920010044US1	3682

7590

12/24/2002

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EXAMINER

TRAN, DALENA

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 12/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,779

Applicant(s)

DOYLE ET AL.

Examiner

Dalena Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12-19 and 21 is/are rejected.
- 7) ☒ Claim(s) 3,11,20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 10/15/02. As per request, claims 1-3,5,9-11, and 20-21 have been amended. Thus, claims 1-21 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2,10,12-19, and 21, are rejected under 35 U.S.C.103(a) as being unpatentable over Bork et al. (6,246,376) in view of Dymek et al. (6,268,798), and Jacobsen et al. (6,198,394).

As per claim 1, Bork et al. disclose a method of providing enhanced safety among a plurality of hunters hunting in a particular locale, comprising steps: providing a wireless communication system covering locale (see column 1, lines 7-10), providing each hunter with an electronic device adapted to determine its location and orientation, transmits its location information through wireless communication system (see the abstract; columns 1-2, lines 30-3; column 3, lines 48-63; and columns 4-5, lines 28-12), receive location information of other devices in locale, determine the location of other devices in locale relative to its own location and orientation, and indicate if an unsafe condition exists, unsafe condition comprising another devices being within a certain distance and direction of device (see column 3, lines 24-53; and columns 5-6, lines 12-38). Bork et al. disclose more than two devices can be used to implement a communication network (such as a family unit or team having more than two members)

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(column 5, lines 49-67), and also a cell phone equipped with “Bluetooth” features and having an integral compass and GPS will be useful as a navigation aid for hiking and traveling (columns 6-7, lines 65-1). Therefore, it is obvious that Bork et al. system can be use in hunting environment. For example, the combine references (‘798) (columns 1-2, lines 50-8), and (‘394) (columns 3-4, lines 35-39), the team can be firefighters and soldiers. Therefore, the combination of (‘376), (‘798) and (‘394) references satisfy the requirement of providing enhanced safety among a plurality of hunters.

As per claim 2, Bork et al. disclose providing each device with an electronic compass to determine orientation of device, device adapted to combine orientation and location information to determine the distance and direction of other devices relative to device (see columns 4-5, lines 54-12; and columns 6-7, lines 39-6).

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per claim 4, Bork et al. disclose providing a peer-to-peer wireless transceiver in each device (see column 2, lines 19-38; and column 3, lines 24-48).

As per claim 5, Bork et al. do not disclose a central processing device remote from electronic devices. However, Jacobsen et al. disclose providing a central processing device remote from electronic devices, and wirelessly receiving at central processing device location information transmitted by devices in locale (see column 3, lines 35-50; column 4, lines 8-39; and column 7, lines 35-55), processing at central processing device location information of devices to generate a report of the location of device in locale (see columns 4-5, lines 40-6; and

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columns 15-16, lines 36-45), and wirelessly transmitting report from central processing device to devices in locale (see column 4, lines 2-7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Bork et al. by combining providing a central processing device remote from electronic devices, and wirelessly receiving at central processing device location information transmitted by devices in locale, processing at central processing device location information of devices to generate a report of the location of device in locale, and wirelessly transmitting report from central processing device to devices in locale in order to keep track of every individual carrying the devices therefore be able to retrace the path of individual device in case of emergency.

As per claim 6, Bork et al. do not disclose providing at least one communication base station. However, Jacobsen et al. disclose providing at least one communication base station comprising an antenna and a transceiver for transferring location data and report between device and central processing device (see column 3, lines 35-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Bork et al. by combining providing at least one communication base station comprising an antenna and a transceiver for transferring location data and report between device and central processing device to be able to communicate with an individual in an unsafe condition, and the base station able to initiate timely rescue response without delay.

As per claim 7, Bork et al. do not disclose a third party wireless communication. However, Jacobsen et al. disclose utilizing a third party wireless communication system for transferring location data and report between devices and central processing device (see column 14, lines 12-49; and column 7, lines 35-55). It would have been obvious to one of ordinary skill

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in the art at the time the invention was made to modify the teach of Bork et al. by combining utilizing a third party wireless communication system for transferring location data and report between devices and central processing device for monitoring individual device to accurate determination of immediate care for those who needed.

As per claim 8, Bork et al. do not disclose a hunting ground. However, Bork et al. disclose the device can use in a team (column 5, lines 49-53), and can be used as a navigation aid for hiking and traveling. Therefore, it is obvious that the device can be used in hunting ground environment, as it is obvious that the device can be used in a team operated as firefighter unit (columns 1-2, lines 50-8), and soldier unit ('394) (columns 3-4, lines 35-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Bork et al. by combining providing a hunting ground within each device can operate for communication between different type of environment of monitoring among each individuals.

Claim 9 is an apparatus claim corresponding to method claims 1-2 above. Therefore, it is rejected for the same rationales set forth as above.

Claim 10 is an apparatus claim corresponding to method claim 1 above. Therefore, it is rejected for the same rationales set forth as above.

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per claim 12, Bork et al. disclose electronic device adapted to determine location comprises GPS receiver (see columns 2-3, lines 39-10).

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Claims 13-14 are apparatus claims corresponding to method claims 4, and 6 above.

Therefore, they are rejected for the same rationales set forth as above.

As per claims 15-16, Bork et al. do not disclose an audio device for generating an audible signal. However, Dymek et al. disclose a warning device for indicating unsafe condition, and warning device is an audio device for generating an audible signal (see column 4, lines 9-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Bork et al. by combining a warning device for indicating unsafe condition, and warning device is an audio device for generating an audible signal for easily to locate where the individual in case of emergency.

As per claims 17-18, Bork et al. do not disclose an LCD display screen. However, Jacobsen et al. disclose warning device is an LCD display screen (see column 9, lines 20-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Bork et al. by combining a warning device is an LCD display screen for accurately to quick locate an injured person, and enables medical staff to quickly locate and provide immediate care.

As per claim 19, Dymek et al. disclose a light is illuminated when an unsafe condition is detected (see the abstract; and columns 2-3, lines 64-22).

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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As per claim 21, Bork et al. disclose transmitter transmit location information only if apparatus has moved more than a predetermined distance since the last time the apparatus transmitted its location information (see columns 4-5, lines 27-67).

Remarks

4. Applicant's argument filed on 10/15/02 has been fully considered and they are deemed to be persuasive. However, upon updated search, the new ground of rejection has been set forth as above.

Applicant's argue on page 10 that Bork et al. reference is not adapted for a hunting environment or similar outdoor environment. However, Bork et al. disclose more than two devices can be used to implement a communication network (such as a family unit or team having more than two members) (column 5, lines 49-67), and also a cell phone equipped with "Bluetooth" features and having an integral compass and GPS will be useful as a navigation aid for hiking and traveling (columns 6-7, lines 65-1). Therefore, it is obvious that Bork et al. system can be use in hunting environment. For example, the combine references ('798) (columns 1-2, lines 50-8), and ('394) (columns 3-4, lines 35-39), the team can be firefighters and soldiers. Therefore, the combination of ('376), ('798) and ('394) references satisfy the requirement of providing enhanced safety among a plurality of hunters as in item 3 above.

Also, applicant's argue on page 10 that Bork et al. reference is not "indicate if an unsafe condition exist, unsafe condition comprising another of said devices being within a certain distance and in a certain direction of devices". However, in column 3, lines 40-48; and column 5, lines 61-65, Bork et al. disclose "use of portable devices to provide location and direction indications, for example, is particularly useful to provide an alert when the distance between two

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specific devices exceeds a certain userdefined threshold”, “to provide an alert” means there is unsafe condition happen, and “the distance between two specific devices exceeds a certain userdefined threshold” means a certain distance, and “the portable device to provide location and direction indications”, it is obvious that it can detect a certain direction between two devices. Therefore, Bork et al. reference is indicate if an unsafe condition exist, unsafe condition comprising another of said devices being within a certain distance and in a certain direction of devices.

Applicant’s argue on page 12 about claim 5, the new reference Jacobsen et al. is now is disclose claim 5.

The new cited rejection for claims 6,15,16, and 21 as above.

Applicant’s argue on page 12 that in claim 8, Bork et al. do not disclose “providing a hunting ground within which said devices can operate”. However, Bork et al. disclose the device can use in a team (column 5, lines 49-53), and can be used as a navigation aid for hiking and traveling. Therefore, it is obvious that the device can be used in hunting ground environment, as it is obvious that the device can be used in a team operated as firefighter unit (columns 1-2, lines 50-8), and soldier unit (‘394) (columns 3-4, lines 35-39).

Applicant’s argue on page 16, in first paragraph that Jacobsen et al., that no discussion of a third party cellular telephone system in a military application. However, column 14, lines 12-49; and column 7, lines 35-55, Jacobsen et al. disclose a third party wireless communication. However, Jacobsen et al. disclose utilizing a third party wireless communication system for transferring location data and report between devices and central processing device.

Claims 3,11, and 20 are objected.

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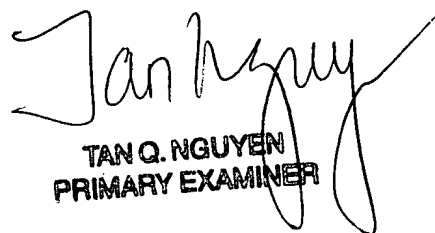
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

/dt
December 19, 2002


TAN Q. NGUYEN
PRIMARY EXAMINER